

LIABILITY BILL PASSED SENATE

New Measure Which Abolishes Common Law Liability Applies Only to Railroads

CONTRIBUTORY NEGLIGENCE AS DEFENSE RELAXED

During Debate, Senators Bacon and Gore Take Thrusts at the President on Account of Harriman Incident—Gore Has Read Famous Letter to "Dear Harriman."

WASHINGTON, D. C., April 9.—The bill relating to the liability of common carriers by railroad passed by the House on April 6th, was today passed by the Senate without amendment and without division. The Senate bill on the same subject was not confined to railroads, but covered all forms of common carriers, and Senator Dooliver, who had reported it from the Committee on Education and Labor, sought to substitute it for the House bill, but his motion was defeated. Numerous amendments were offered, but all were voted down. The bill as passed, is expected to meet the objections of the United States Supreme Court to the common carrier liability law of 1896, decided to be unconstitutional by the court. The bill abolishes the strict common law liability, which bars a recovery for personal injury or death of an employee occasioned by the negligence of a fellow servant. It also relaxes the common law rule which makes contributory negligence a defense to claims for such injuries, and permits an employee to recover for an injury caused by the negligence of a co-employee. The bill does not bar recovery through the injured one contributed by his own negligence to the injury. The amount of the recovery is diminished in the same degree that the negligence of the injured one contributed to the injury.

During the discussion of the measure there was extended reference to comparative contributions by railroad men, and especially to the Harriman contribution campaign fund of 1904. The discussion of the measure consumed the greater part of the day. Because the Senate bill did not specify the cause for the injury or death of the employee, Mr. Nelson, of Minnesota, said he believed it would be pronounced unconstitutional by the Supreme Court. The bill would make the company liable for injury or death, whether it related to the service or not.

Elkins Objects.
Two employees of a railroad might by their negligence wreck a train and kill 100 people, said Mr. Elkins, and yet the proposed law would pay for the injuries received by those employees. He did not believe that was a just provision.

Senator William Alden Smith inquired whether the bill would facilitate interstate commerce, and Senator Dooliver replied that it was "intended to promote the rights of employees of common carriers."

Mr. Smith declared that that was a very important question. If he said, there was no purpose to facilitate commerce in this bill, he thought the warrant for its constitutionality would be doubtful. Senator Heyburn declared that he wanted to have it known that the pending bill was not an "unmixed blessing," as it would substitute this Federal legislation for legislation by the States in matters covered by the bill. It would make necessary the bringing of suits under this law in Federal courts, often far removed from the place of accident, whereas in the past they have been taken to nearby State courts.

By a vote of 36 to 21, a motion by Senator Dooliver to substitute the Senate for the House bill, was laid on the table.

Dooliver Tries to Amend.

Senator Carter made a strong plea that the Senate should not pass the bill as it was, but should enter upon the ancient field of commerce on shipboard, as might be contemplated by the Senate bill. A motion by Senator Dooliver to amend the House bill by inserting the words "all questions of fact relating to negligence shall be for the jury to determine" was defeated.

Senator Bacon, of Georgia, declared that the great railroad corporation exercise an important influence upon the political fortunes of the country. In New York he said \$500,000 had been raised on one occasion on the suggestion of the high officials of the company to influence the election. His reference was readily recognized by Senators as being aimed at the President and his letter to Mr. Harriman. He said he would not call any names in connection with that statement.

Senator Foraker asked whether the Georgia Senator would not call the names of the "high officials" he referred to, but Mr. Bacon said he did not wish to do that.

"I think it is only fair to the high official," said Mr. Foraker, "to state that he contradicted that story and applied an ugly word to the man who set that story afloat."

Mr. Bacon, evidently referring to what had been called the "Annals Club," said the man who raised the campaign fund was a member of that club, adding, "the membership of which is making it the most respectable club in the United States."

Gore Throws Bomb.
Senator Gore, of Oklahoma, said he wished to read a letter as throwing light upon the subject under consideration. The paper proved to be a copy of a letter dated October 14, 1904, recently published, which began: "My Dear Harriman:—I was signed 'Theodore Roosevelt.'"

Mr. Gallinger, addressing Mr. Bacon, asked if he thought it was right to introduce the name of the President in this debate.

"I am not responsible," said Mr. Bacon, "for bringing in the name of the President."

Senator Gore quickly responded that he did not think the President should

\$100,000 A MERE NOTHING

Ryan Says He Gave Whitney That Sum and Didn't Know What He Did With It.
NEW YORK, April 9.—Thomas F. Ryan today threw cold water upon the recently published story to the effect that he had given before a special grand jury that \$500,000 of Metropolitan Street Railway money, ostensibly for the purchase of the Wall and Cortlandt Streets ferries line, had gone into a political campaign fund. Mr. Ryan was a witness today in the Supreme Municipal Court in a damage suit brought against certain directors of the Street Railway Company, and was questioned at length about the \$500,000 fund. There was such a fund made up, but he had no idea what was done with it except that it was paid "for the benefit of the company."

"It was paid to William C. Whitney," said Mr. Ryan. He suggested that we pay \$100,000 apiece for the company. That was in 1899 or 1900. There was no entry made in the Metropolitan Street Railway Company's books," he said. The only information concerning the disposition made of the fund was given him by Mr. Whitney, who, he said, was the controlling spirit of the company.

"I have you any other information except what Mr. Whitney told you as to the use of money?" he was asked.

"As a fact, do you know to what it was applied?"

"Did you know that when the \$500,000 was paid it was for the Wall and Cortlandt Street Ferry franchises?"

"I did not until I got notice from the Metropolitan Street Railway Company that \$11,000 had been put to my credit."

Mr. Ryan then told of his connection with the company in 1903. The \$11,000 was credited to him while he was away. In 1906 he resigned from thirty-six corporations.

PAYNE CALLED DOWN

Speaker Cannon Reprimands Majority Leader, Who Replies No Less Sharply.

WASHINGTON, D. C., April 9.—A few minutes before the House opened its session today Speaker Cannon and Majority Leader Payne engaged in a sharp exchange of words. The incident occurred in connection with the bill to promote the safe transportation of explosives. In the course of the debate on that measure Mr. Williams severely criticized the speaker. The Speaker in declaring a quorum present when, in fact, he said, a quorum was not present, was declared out of order on an objection by Mr. Sherman. Mr. Payne rose, and it soon became evident he was making remarks for the purpose of insulting Mr. Williams, of Kentucky, promptly replying to him, and the Speaker sustained Mr. Sherman.

"The speaker sustains the point of order, and trusts that the gentleman from New York will set a good example to the House."

Proceeding with some embarrassment, Mr. Payne said that, having ruled that he was not in order, it was not necessary for the speaker to make any further suggestion to him. He then began a speech in favor of the bill, but Speaker Cannon brought his gavel down with emphasis and declared the House in recess under the special rule.

FINDS WIFE MARRIED AGAIN

Two Husbands Allow Her to Decide and She Chooses No. 1.

[Special to The Times-Dispatch.]
BRISTOL, Va., April 9.—The unexpected death of a man living in his home in Washington, County, Tenn., after he had been married as dead for five years, reveals a perplexing situation. The man, William Curtis, who had married her with the understanding that Strong was dead, found his wife, now thirty-two years old, living with Curtis, and two children born to this union.

As a means of settling the matter the two men agreed to allow the woman to choose between them. She decided in favor of her first husband, and Curtis so said. He then, however, will institute formal proceedings to annul the marriage contract between him and Mrs. Strong.

Strong, it is said, had been serving in the army in the Philippines.

CINCINNATI AT CHARLESTON

Brilliant Reception Tendered Members by Captain Thomas Pluckney.

CHARLESTON, S. C., April 9.—The second day of the session of the Cincinnati was brief, and besides the usual complimentary resolutions and addresses, the only thing done was the acceptance of the invitation of the Hon. Asa Bird Gardner to meet in New York City. The session will likely be held in July.

This afternoon the society, as guests of the South Carolina branch, visited the city and were entertained by the taking luncheon at the colonial hotel, Drayton Hall. A brilliant reception was tendered to-night by Captain Thomas Pluckney, descendant of the former president-general. Officers will be elected to-morrow.

LOVERS IN YOUTH; WED IN AGE

Wedding at Winchester the Culmination of a Civil War Romance.

[Special to The Times-Dispatch.]
WINCHESTER, N. C., April 9.—The marriage of Mrs. Margaret Moreland, of Clarke county, to Mr. John J. Hicks, of Burke county, Pa., by Rev. Dr. Julian Grubb, of this city, was a happy ending of a romance which began in the days of the Civil War.

When the Civil War broke out, Mrs. Moreland, who was then a young girl, was married to a young man in Pennsylvania. Children were born to both, but Mr. Moreland died. Mrs. Hicks married a young lady in Pennsylvania. Children were born to both, but Mr. Moreland died. Mrs. Hicks married a young lady in Pennsylvania. Children were born to both, but Mr. Moreland died.

Three years ago Mr. Hicks attended a reunion of Federal veterans at a wedding, and decided that he would look up his old sweetheart. He found a widow, with the result that the courtship of forty years before was renewed and the wedding followed.

COURT UPHOLDS PROHIBITION LAW IN STATE OF ALABAMA

MONTGOMERY, ALA., April 9.—The Alabama Supreme Court today held both the general prohibition and the local option laws to be constitutional and effective. The decision was made on both by the liquor forces of the State.

The two laws were argued together and decision is taken by both sides to settle the questions. Mobile interests have fought the two provisions from the first, holding that both will be ruin to a coast city such as that in upholding the general prohibition act the court also gives validity to the local option law that was involved in the cases brought.

YOUNG MAN DIES FROM STICKING TOOTHPICK IN THROAT

[Special to The Times-Dispatch.]
HAMILTON, VA., April 9.—Archie Davis, a well known citizen of this place, is seriously ill at his home on Amblewood Avenue, as a result of sticking a wooden toothpick in his throat about three days ago. The injury was slight and no special attention was paid to it at the time.

ANARCHIST ENEMY OF ALL HUMANITY

President in Short Message to Congress Thus Characterizes This Class.

SAYS MAILS WILL BE SHUT TO THEIR PAPERS

Submits Opinion of Attorney-General Regarding Anarchistic Publications, Which States That Postmaster-General Is Clearly Within His Rights.

WASHINGTON, D. C., April 9.—In the shortest message which he has yet transmitted to Congress President Roosevelt today called the attention of that body to the necessity of further legislation on the subject of anarchy. With the message he transmitted a report reviewing the legal phase, by Attorney-General Bonaparte. The message of the President is as follows:

"To the Senate and House of Representatives:

"I herewith submit a letter from the Department of Justice, which explains itself. Under this opinion I hold that existing statutes give the President the power to prohibit the Postmaster-General from being used as an instrument in the commission of crime that is, to prohibit the use of the mails for the advocacy of murder, arson and treason; and I shall act upon such legislation. Unquestionably, however, there should be further legislation by Congress in this matter. When compared with the suppression of anarchy, every other question seems into insignificance. The anarchist is the enemy of all humanity, the enemy of all mankind, and his is a deeper degree of criminality than any other. No immigrant is allowed to come to our shores if he is an anarchist; and no paper published here or abroad shall be permitted circulation in this country if it propagates anarchistic opinions."

(Signed)

"THEODORE ROOSEVELT."

"The White House, April 8, 1908."

Governor to Act.

Besides his direction to the postmaster-general to exclude from the mails such publications as "La Question Sociale," President Roosevelt in his letter to Attorney-General Bonaparte, asking for an opinion on the legal phases of the subject, says he has had the question referred to the attention of the Governor of New Jersey by Secretary Root, that the Governor may proceed under the State laws.

The opinion of the Attorney-General which the President transmits to Congress embraces a discussion of the whole question from many legal viewpoints. His first conclusion is that the article in question, which advocates the use of arms and dynamite in annihilating police and soldiers that anarchy may prevail, constituted a "seditious libel" and "is undoubtedly a crime at common law."

He declares that there is no Federal statute which makes such publication an offense against the United States and that the Federal courts consequently have no jurisdiction in the matter. That there is full power in the possession of Congress to make such publications criminal the Attorney-General asserts, and quotes Chief Justice Fuller of the Supreme Court and the Justice Field as authority. The greater portion of his opinion is devoted to the question of whether, in the absence of any legislation by Congress, the Postmaster-General has the right to exclude such publications.

On this point his conclusion is: "The Postmaster-General will be justified in excluding from the mails any issue of any periodical, otherwise entitled to the privileges of second-class matter, which shall contain any article constituting a seditious libel and counseling such crimes as murder, arson, riot and treason."

In arriving at the latter conclusion the Attorney-General makes a clear distinction with reference to the authority of postal officials over sealed and unsealed mail matter. In conveying letters and newspapers to persons to whom they are directed, he says the United States "undertakes the business of a messenger." He adds: "In so far as it conveys sealed documents, its agents not only are not bound to know, but are expressly forbidden to ascertain, what the purport of such messages may be; therefore, neither the government nor its officials can be held responsible for the nature of the letters to which they thus, in unintentional ignorance, afford transportation. But in the case of printed matter intended for general circulation, and which, by virtue of the statutes above mentioned, and in consideration of the redemptive character of the material, the officers of the Post-Office Department have the legal right to thoroughly inspect, it seems obvious that neither these officers nor the government which employs them can escape responsibility for the consequences if they knowingly transport matter which bears such character and which they must know might be reasonably expected to become a cause of crime."

FINED FOR REBATING

Great Northern Railroad Is Fined \$3,000 by Judge Morris.

MINNEAPOLIS, MINN., April 9.—In the Federal Court today, W. R. Begg, general counsel for the Great Northern Railroad, entered a plea of guilty in the rebate case against his company, and Judge Page Morris imposed a fine of \$3,000.

On motion of United States District Attorney Haupt, the charges in this case against B. Campbell, fourth vice-president of the Great Northern, and traffic manager, and C. E. Sweeney, assistant general freight manager, were nolle.

SETTLE ON FRIENDLY TERMS

Differences Between Town of Ashland and Railroad About Adjusted.

[Special to The Times-Dispatch.]
ASHLAND, VA., April 9.—The differences between the town of Ashland and the R. F. & P. R. Co., which threatened at one time to assume a serious phase, have been practically adjusted. Within a few days it is expected that the entire case, it is now confidently believed.

The Ashland Council spent several hours to-night considering a statement that had been drawn up for disposing permanently of the questions at issue. All of the more important provisions were accepted, but not two minor ones were left open until another meeting, to be held on the 23d. Of the meantime there will be further conference with representatives of the railroad, especially as to the conditions under which in future sewerage and telephone lines will be laid under the tracks of the company.

The town gains the more important points which it had demanded. Its right of way in Railroad Street is conceded, except as to the company's tracks and the necessary wires for water and telephone lines are to be put under ground.

MISS ELKINS NOT ENGAGED

Says If Duke Marries Her It Will Be Without Change of Faith or Fortune.

[Special to The Times-Dispatch.]

NEW YORK, April 9.—"I am not engaged to the Duke D'Abuzzi, nor to any one else."

This statement is contained in a letter from Miss Katherine Elkins, daughter of Senator Elkins, to a friend in this city, and the statement of her correspondent clears the air of the uncertainty which has marred the matrimonial romance.

According to this person, the duke is insistent, pleading by letter and cable his love and his assurances that it will be without limitation or barter. The duke is a Catholic, and she is a Catholic, nor will she agree to a cent of monetary settlement upon him.

DINES WITH MME. GOULD

She and Prince de Sagan Dine Together in Public.

NEW YORK, April 9.—Prince Heide de Sagan dined in public with Mme. Gould to-night for the first time since his arrival in America. They were the guests of Mr. and Mrs. Tyler Morse in the restaurant of the St. Regis Hotel. The Prince and his wife, who the dinner party would say anything as to the outcome of his suit for Mme. Gould's hand.

After dinner the Prince went to the Morse apartments where he spent the evening with Mrs. Morse and Mme. Gould, while the others went for an automobile ride.

In the day the Prince began to make preparation for an early departure from America by going to the National City Bank to obtain a letter of credit. The office of the bank he said he intended to leave very soon and hoped he would never see America again.

PROSECUTE PAPER TRUST

Understood That Department of Justice Will Prefer Charges Against Officers.

WASHINGTON, D. C., April 9.—The House committee on Education and Labor, after requesting information as to what steps have been taken to prosecute the "paper trust," reached Attorney-General Bonaparte, and were by him referred to Mr. Purdy, assistant to the Attorney-General, who is charged with the preparation of the reply to the resolution of the House that this reply will show that the Department of Justice already has taken the initial steps to bring the paper trust before the courts on criminal charges, and probably for that reason it will not be possible to supply congress with much detailed information of the prosecution.

EARLE RETURNS

Divorced by His First Wife, Artist Has Married Woman Who Infatuated Him.

NEW YORK, April 9.—Ferdinand P. Earle, of Monroe, N. Y., returned from Europe to-day, after having been married to Miss Julia Kuttner, a social settlement worker. When Mr. Earle announced his intention to marry Miss Kuttner, he was said to have been several threatening demonstrations toward him. His first wife went to her former home in France and secured a divorce. Mr. Earle is said to have returned to this country in order to secure a legacy to which he has fallen heir since he went to Europe.

ALABAMA RAILWAY COMMISSION ASSUMES CONTROL OF RIVERS

MONTGOMERY, ALA., April 9.—In spite of the protest over the contention that it had no such right, the Alabama Railroad Commission today assumed control over the rivers of the State by the promulgation of rates which can neither be raised nor lowered without permission of the commission. Merchants along the Alabama and Tombigbee made every effort to prevent the issuance of the order. The commission acts under authority of a recent statute. It is thought that the Alabama Railroad Commission will be made to test the law. Objection is to the contention that the new rates are too low and that the order will prevent competition.

ENGINE BLOWS UP; TWO MEN BADLY INJURED

ANSONIA, CONN., April 9.—A freight engine on the New York, New Haven and Hartford Railroad blew up early this morning, blowing away three men below this city. Two men were badly injured, one of whom may die.

The engine was drawing a train of thirty-five loaded cars, and the three forward cars were also blown up. Some of the trainmen jumped, and one of them, James Tenpleton, a brakeman, was killed. Another, Frank Rhodes, the fireman, was badly scalded about the back. Frank Gilbert, engineer, was scalded about the hands.

MAKES ROPE OF SHEET TO SAVE WIFE AND CHILD

[Special to The Times-Dispatch.]

NORFOLK, VA., April 9.—To escape from the house while it was on fire, starting under the steps, leading to the first floor, and cutting off his avenue of escape, Robert J. Bell, of 13 Waverly Street, at an early hour this morning tore up a sheet, improvising a rope, and lowered his wife and little child to safety. The house was partially destroyed. The fire was caused by the explosion of a lamp.

Mind Unbalanced He Shoots.

DAYTONA, FLA., April 9.—Seized with temporary insanity, A. L. Myers, a well known citizen of this place, assaulted his son-in-law, E. S. Mailey, at the latter's home, and then secured a revolver, firing a bullet into his own head, causing almost instant death. Mailey will recover.

WEATHER

Cloudy and Warmer.

GOVERNOR HUGHES USES BIG STICK

Sends Message to Legislature Regarding the Defeat of the Anti-Racing Bill.

WILL CALL EXTRA SESSION IN MAY

Mass-Meetings to Be Held to Discuss Defeat of Anti-Gambling Measure, and Senator Gratian Will Be Asked to Explain His Position.

ALBANY, N. Y., April 9.—Any expectation that a full would be the storm of yesterday in the Legislature, when the Senate by a tie vote defeated the anti-race-track gambling legislation desired by Governor Hughes, was dispelled at the opening of the session today in dramatic fashion.

Hardly had either House convened before the secretary to the Governor marched up the aisle with a "communication in writing from the Governor."

When read in each house the "communication" proved to be a special message couched in the Governor's most direct and vigorous style, declaring first, that yesterday's vote in the Senate could not be regarded as disposing of the anti-gambling question, and calling attention to several other matters upon which the Governor believes the Legislature should pass before final adjournment. Almost simultaneously the Governor caused it to be made known that it was his intention to convene an extraordinary session of the Legislature on May 12th, in the Niagara-Ontario senatorial district to fill the vacancy in the Senate caused by the recent death of Senator Franchot, of Niagara Falls.

At the same time he put forth the intimation that he would probably call an extraordinary session of the Legislature to convene on Monday evening, May 11th.

The announcement of the special session was the subject of more than ordinary interest especially because of the bearing this might have on the anti-gambling bills should they be presented at the special session. An extraordinary session in view of the possibility that the bills might gain a supporter in the new Senate.

Governor Retaliates.

Governor Hughes today vetoed a local bill of Senator Wemple, relative to the village of Saratoga Springs, and compelled the recall (to avoid veto) of the bill. Senator Gratian's bill extending the time for construction of the Albany and Schoharie Railroad, both of these Senators having voted yesterday against the anti-gambling bills.

Announcement was made here today of a series of mass-meetings to be held in various parts of the State, beginning with one in Albany to-morrow, to get a public expression on the defeat of the gambling bill. The announcement for the Albany meeting included a statement that Senator Gratian would be invited to attend and explain his vote against the bills.

The Senate received the Governor's message with surprise. Senators Grady and McCarran were leaders in the successful opposition to the gambling bills, yesterday took occasion to make bitter attacks on Governor Hughes. Senator McCarran suggested "that a respectful message be sent to the Governor advising him to mind his own business."

Senator Raines, the majority leader, presented this manner of receiving the message and upon his motion the various recommendations were referred to various committees.

In the Assembly the message caused less of a sensation. After it had been read, Minority Leader Palmer moved that certified copies of the text of the Assembly on the anti-gambling bills be sent to the Governor, "so that we shall have to stand no more lectures on that subject."

Majority Leader Merritt objected, and the message was then ordered printed and laid upon the table.

LONGEST RAILROAD BRIDGE

Standard Oil and Rockefeller Interests to Control Road.

NORFOLK, VA., April 9.—The Ledger-Dispatch to-day says: Standard Oil and Rockefeller interests have become identified in a large measure with the Norfolk and Southern Railway, owning over 200 miles of valuable railroad property through the extensive lumber districts of Eastern North Carolina, and the original plans for development of the road, including the building of the longest railroad bridge in the world over Albemarle Sound, will now be carried out.

The large interest money due on the bonds of the Norfolk and Southern Railway will be promptly paid. There will be no receivership for the property. The road's financial trouble has been brought on as a result of the difficulties of the Trust Company of North America and the Knickerbocker Trust Company, of New York.

RELATIVES KIDNAP CHILDREN, BUT ARE SOON CAPTURED

JACKSONVILLE, FLA., April 9.—News reached here to-day of the kidnapping of two children, Monvia Amoury and Florio Amoury, aged five and three years, respectively, from their home in Jacksonville by their aunt and uncle, Mary and Peter Amoury, who took them to Havana.

The sheriff was notified immediately after the boat sailed from Key West and succeeded in having the parties arrested as they landed in Havana on a charge of kidnapping. They will be returned to Key West for trial.

Bank Fails.

ST. LOUIS, MO., April 9.—The Olive Street Bank, at Garrison Avenue and Olive Street, having a capital of \$100,000 and deposits of \$350,000, was closed today. Examiner Cook said late today:

"The bank loans will about wipe out the capital stock and surplus of the bank. I will remain in charge until a receiver is appointed, when I will turn the bank over to the receiver."

Among the officers of the bank are: McKinley French, president; Louis French, vice-president; E. T. French, cashier.

ARGUE THE DEBT CASE

Question of West Virginia's Liability for Part of Virginia's Debt.

[From Our Regular Correspondent.]

WASHINGTON, D. C., April 9.—The case of the Commonwealth of Virginia against the State of West Virginia involving the liability of the latter for a part—about one-third—of the \$30,000,000 debt contracted by Virginia before the creation of West Virginia, received a preliminary hearing by the Supreme Court of the United States today in connection with the proposition of an order for the appointment of a master to take testimony. The two States differ materially as to the form in which this order should be drawn, and the point was argued at length by a large array of counsel.

Major Holmes Conrad, representing the certified holders of the Virginia bonds, argued the case. He contended that the settlement between the two States should be made on the basis of international law, with entire disregard of the Wheeling ordinance, which provided that West Virginia should be satisfied with such bonds as was expended within her borders before the time the debt was incurred, and that she should be credited with taxes she had paid into the Virginia Treasury in that period. Major Conrad contended that Virginia was not bound by that ordinance.

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